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PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/494,690
Filing Date	1/31/00
First Named Inventor	Steven Antosz
Group Art Unit	2173
Examiner Name	Brian J. Detwiler
Attorney Docket Number	99-879

Total Number of Pages In This Submission: 38

ENCLOSURES *(check all that apply)*

- [x] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment / Response
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
  - [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Assignment Papers *(for an Application)*
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) ____
- [ ] After Allowance Communication to Group
- [ ] Appeal Communication to Board of Appeals and Interferences
- [x] Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief) (in Triplicate)*
- [ ] Proprietary Information
- [ ] Status Letter
- [ ] Other Enclosure(s) *(please identify below)*:

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	DaimlerChrysler Corporation	Attorney/Agent Name: Donald J. Wallace	Reg. No. 43,977
Signature	Donald J. Wallace		
Date	1/13/2004		

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Art Unit 2173 of the United States Patent and Trademark Office at fax number 703-872-9306 on January 13, 2004.

Typed or printed name	Donald J. Wallace		
Signature	Donald J. Wallace	Date	1/13/2004

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PTO/SB/17 (11-00)
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT ($) 330

Complete if Known	
Application Number	09/494,690
Filing Date	1/31/00
First Named Inventor	Steven Antosz
Examiner Name	Brian J. Detwiler
Group / Art Unit	2173
Attorney Docket No.	99-879

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: 03-1800

Deposit Account Name: DaimlerChrysler Intellectual Capital Corporation

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) ($) 0

2. EXTRA CLAIM FEES

			Extra Claims		Fee from below		Fee Paid
Total Claims		-	0	X		=	0
Independent Claims		-	0	X		=	0
Multiple Dependent				X		=	0

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	330
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive – unavoidable	
141	1,240	241	620	Petition to revive – unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) ($) 330

SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	Donald J. Wallace	Registration No. Attorney/Agent)	43,977	Telephone	248-844-6522
Signature	Donald J. Wallace			Date	1/13/2004

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Attorney Docket No.: C99-879/US/1
USPTO Ser. No.: 09/494,690

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Group Art Unit:	2173
Examiner:	Detwiler, Brian J.
Serial No.	09/494,690
Applicants:	Steven Antosz
Filed:	January 31, 2000
For:	**VEHICLE SUPPLY CHAIN ANALYSIS SYSTEM**

APPEAL BRIEF

#13
1-23-04
B.J.H
1 of 3

Mail Stop Appeal Brief - Patents
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8) Date of transmission: 1/13/2004

I hereby certify that this paper is being facsimile transmitted to Art Unit 2173 of the United States Patent and Trademark Office at fax number 703-872-9306 on the date indicated above.

Donald J. Wallace
NAME OF PERSON MAILING PAPER

SIGNATURE

Dear Sir:

This is an appeal from the Final Rejection of Claims 2-6, 8-12 and 20 under 35 U.S.C. §103(a) in the Office Action mailed July 14, 2003.

01/23/2004 BHILLIAR 00000002 031800 09494690
01 FC:1402 330.00 DA

I. REAL PARTY IN INTEREST

The real party in interest is DaimlerChrysler Corporation, a corporation of Delaware, U.S.A., having a principal place of business in Auburn Hills, Michigan, U.S.A. An assignment was recorded in the U.S. Patent and Trademark Office on April 10, 2000 at Reel/Frame 010533/0625.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF THE CLAIMS

Claims 2-6, 8-12 and 20 are pending in this application. All pending claims have been rejected and are the subject of this Appeal. A copy of the Claims is set forth in the Appendix hereto.

IV. STATUS OF AMENDMENTS

In response to the Final Office Action of July 14, 2003, Applicants filed a Response After Final Rejection on November 13, 2003, with no further amendment to the pending claims.

V. SUMMARY OF THE INVENTION

In accordance with the teachings of the present invention, a computer implemented supply chain mapping system is provided. A template supplies a workspace that allows a graphic depiction of a supply chain network related to a vehicle manufacturing operation through the use of icons. Each icon pictorially indicates a supply chain function. The icons are available for insertion into the supply chain, and are arranged according to related functions on a stencil located in the template. The template is one of a number of perspective templates each designed to present information in a manner relevant

to the perspective of a party accessing the supply chain through the given template.

VI. ISSUES

I. Whether the Examiner has erred in finding Claims 2-6, 8-12 and 20, under 35 U.S.C. §103(a), as being unpatentable over Bush, Jr. (U.S. Patent No. 6,486,899) in view of Petchenkine et al. (U.S. Patent No. 6,380,951), hereinafter "Bush" and "Petchenkine" respectively, by improperly inferring motivation to combine the references.

II. Whether the Examiner has erred in finding that the combination of Bush and Petchenkine discloses all of the limitations of Claims 2-6, 8-12 and 20.

VII. GROUPING OF THE CLAIMS

Claims 2-6, 8-12 and 20 stand or fall together.

VIII. ARGUMENT

The Rejection

Claims 2-6, 8-12 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bush in view of Petchenkine. Applicants respectfully traverse the Examiner's rejection of these claims. As discussed below, applicants assert that the Examiner has failed to show proper motivation for the combination of the references necessary to reach the invention claimed and that, even if the combination is proper, it does not reach the limitations of the claims.

The Claimed Invention

The independent claims recite:

4. A computer implemented apparatus for analyzing a manufacturing operation that contains a supply chain, said manufacturing operation having a plurality of manufacturing areas, said apparatus comprising:

a template for supplying a workspace to depict the supply chain related to the manufacturing operation;

icons which are predefined to depict factors of a supply chain; and

a stencil for storing the icons associated with one of the manufacturing areas, wherein the template comprises a perspective template having at least one supply chain icon, the perspective template providing a pre-populated framework to evaluate the manufacturing operation.

10. A computer implemented supply chain analysis apparatus comprising:

a template for supplying a workspace to depict a supply chain related to a manufacturing operation;

icons which are predefined to depict factors of an automotive supply chain; and

a stencil for storing icons associated with a vehicle manufacturing area, wherein the template comprises a perspective template having at least one supply chain icon, the perspective template providing a pre-populated framework to evaluate the manufacturing operation.

20. A system for analyzing a supply chain, the supply chain having multiple tiers of suppliers geographically removed from one another or from end users of products provided by the suppliers, and for optimizing a delivery process discovered using the system for analyzing the supply chain, the system adapted for use on a computer or network of computers, the system comprising:

a graphical interface system comprising at least one perspective template having a pre-

arranged supply chain representation, the supply chain representation configured to provide information about the supply chain in a format useful to a particular user or participant in the supply chain, and a stencil including a plurality of iconic representations of elements for inclusion in the supply chain representation by the particular user.

The References

Bush discloses a system (see FIG. 1) for displaying logistics information using one or more computers including a presentation interface (i.e. monitor). The presentation interface displays a two- or three-dimensional system for displaying pre-arranged logistics information, particularly time-sensitive information, in the form of a plurality of icons and a plurality of links, representing entities in a supply chain and distribution resources for moving items between the entities (see FIG. 2B). A user interface for inputting data affecting an enterprise model is generically disclosed.

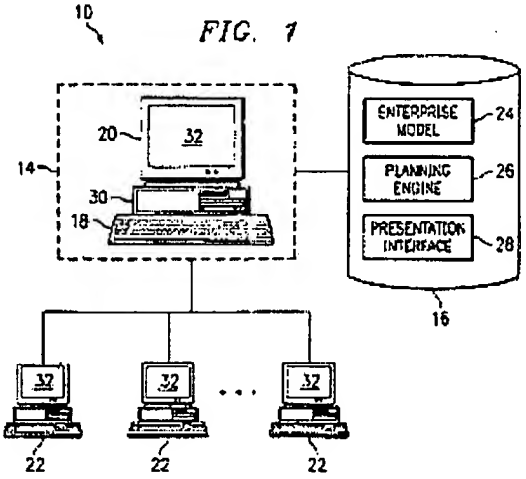


FIG. 1

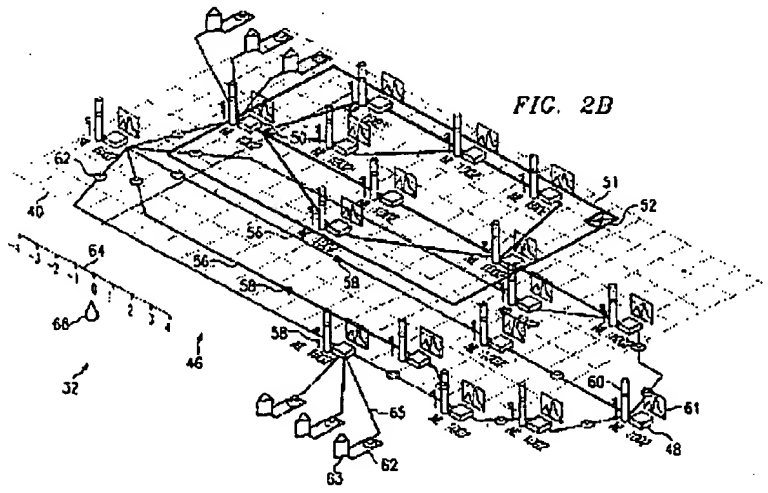
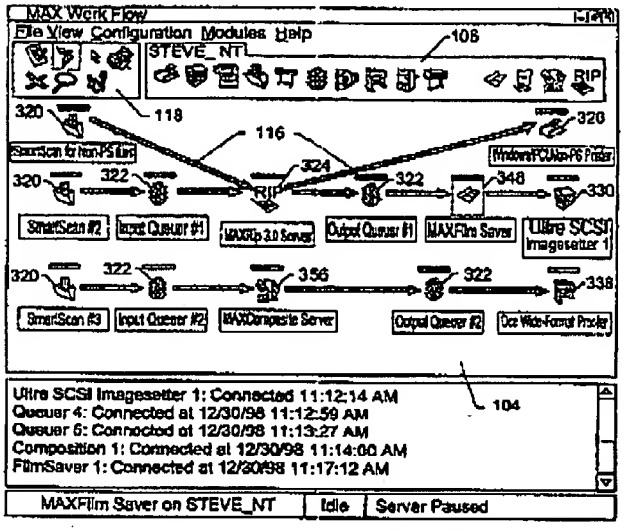


FIG. 2B

Petchenkine discloses a system and computer program for configuring a prepress workflow using a graphical user interface. A prepress system design palette and modules toolbar has module icons representing different prepress hardware and/or software distributed object modules. Module icons are dragged into the prepress system design palette and linked based on user input.



Response to Rejection

Independent claims 4 and 10 each require a perspective template having at least one supply chain icon, the perspective template providing a pre-populated framework to evaluate the manufacturing operation, and a stencil for storing the icons associated with a manufacturing area. Claim 20 requires a perspective template having a pre-arranged supply chain representation and a stencil including a plurality of iconic representations of elements for inclusion in the supply chain representation by the particular user. Bush and Petchenkine, either alone or in combination, do not disclose these features.

Bush fails to disclose or suggest a stencil for storing the icons associated with one of the manufacturing areas, a perspective template, or a stencil including a plurality of iconic representations of elements for inclusion in the supply chain representation by the particular user, as required by claim 20. Petchenkine fails to disclose a perspective template.

There is no motivation to combine the teachings of Bush and Petchenkine. Bush does not disclose or anticipate the use of a graphical user interface for input of data or building of a supply chain. Petchenkine discloses constructing a prepress workflow, but does not contemplate the analysis of a supply chain using the constructed prepress workflow diagram.

Issue: Has the Examiner erred in inferring motivation to combine the references under 35 U.S.C. §103(a)?

In his Response to Argument, the Examiner states:

> Applicant is reminded that "there are three possible sources of motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art." *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998) In the instant case, motivation comes from the two latter sources. One of ordinary skill in the art would have *needed* an application with an intuitive graphical user interface to design the supply chains that are analyzed in Bush's invention." [emphasis added]

Examiner's motivation for the combination is without foundation. The mere fact that the references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) There is nothing in the Bush reference which would lead one of ordinary skill in the art to infer that such an application was *needed*. Bush states in column 3, lines 63-66 that "Computer 14 receives information from a user using input device 18, which may include a keyboard, mouse, touch screen, microphone, or any other device that receives information from a user." This clearly refers to a physical interface between the user and the computer. Nowhere does Bush make reference to a graphical input interface. There is no basis for Examiner's assertion that one of ordinary skill in the art would have *needed* an application with an intuitive graphical user interface to design the supply chains that are analyzed in Bush's invention. If Bush, as one of ordinary skill in the art, did not

mention such a graphical user interface for input of information, when the output is so specifically graphical in nature, it is illogical to assert that one of ordinary skill in the art would *need* such a graphical interface.

Accordingly, Applicants assert that the Examiner has improperly inferred motivation to combine the references. Without proper motivation, the combination of references to form the basis of a rejection under 35 U.S.C. §103(a) cannot stand.

Issue: Has the Examiner erred in finding that the combination of Bush and Petchenkine discloses all of the limitations of Claims 2-6, 8-12 and 20?

Even if the references were combined, however untenable, the combination would not reach the claimed invention. There is no teaching in Bush for the use of a graphical method of building a workflow, a perspective template, or a stencil containing icons. There is no teaching in Petchenkine for displaying the output performance of the supply chain as taught by Bush, nor is there any teaching of a perspective template.

Examiner states that Bush discloses that the visual display can be manipulated through rearrangement or rotation around an axis, and that therefore the supply chain model could be configured to provide information about the supply chain in a format oriented to a particular viewpoint of a participant in the supply chain. This inference is in error, as a mere visual orientation does not reach the limitation of a perspective template, which affects the functionality and content of the template, not just the angle from which it is being observed. Bush therefore does not disclose a perspective template as claimed.

Examiner also finds a perspective template disclosed in column 9, lines 25-42 of Petchenkine, which states that "The Configuration menu allows for setting up and saving a new configuration of the

workflow system, or the opening of an existing system configuration." The Examiner asserts that "The saved configurations inherently comprise a plurality of icons that are populated into the workflow framework," and that "Petchenkine thus suggests that a user can establish a single configuration to which all modification and adjustments are applied. Therefore, in combination with Bush's invention, the saved configuration would serve as a perspective template for evaluating a manufacturing operation." This analysis simply does not follow. Each of Petchenkine's "configurations" fully defines a separate, unique prepress workflow. Each unique workflow is not analogous to a functional perspective template intended for use in evaluation of a supply chain by a particular type of user. Each stand-alone configuration of Petchenkine lacks the functionality of the related perspective templates tapping into a common supply chain according to the invention. Finding the saved configurations of Petchenkine to define such a perspective template is therefore in error.

Accordingly, Applicants assert that the combination of Bush and Petchenkine, however untenable, still fails to reach the limitations of claims 2-6, 8-12 and 20.

IX. SUMMARY

The rejection of Claims 2-6, 8-12 and 20 under 35 U.S.C. §103(a) is in error. Accordingly, applicants respectfully request a reversal of the Final Rejection of Claims 2-6, 8-12 and 20 and passage of the present application to issue.

Respectfully submitted,

Dated: 1/13/2004

BY: _____

Donald J. Wallace, Reg. No. 43,977
DaimlerChrysler Intellectual Capital Corporation
800 Chrysler Drive East CIMS 483-02-19
Auburn Hills, Michigan 48326-2757
(248) 944-6522

Appendix A - LISTING OF CLAIMS

1. (cancelled)

2. (previously presented) The apparatus of Claim 4 wherein said icons are selected from the stencil and moved to the template.

3. (previously presented) The apparatus of Claim 4 further includes a plurality of icons that are connected to show a supply chain flow.

4. (previously presented) A computer implemented apparatus for analyzing a manufacturing operation that contains a supply chain, said manufacturing operation having a plurality of manufacturing areas, said apparatus comprising:

a template for supplying a workspace to depict the supply chain related to the manufacturing operation;

icons which are predefined to depict factors of a supply chain; and

a stencil for storing the icons associated with one of the manufacturing areas, wherein the template comprises a perspective template having at least one supply chain icon, the perspective template providing a pre-populated framework to evaluate the manufacturing operation.

5. (previously presented) The apparatus of Claim 4 further includes at least one stencil selected from the group consisting of process flow stencil, logistics stencil, and environmental stencil.

6. (original) The apparatus of Claim 4 wherein said perspective template is selected from the group consisting of international template, logistics template, supplier template, and supplier process template.

7. (cancelled)

8. (previously presented) The apparatus of Claim 10 wherein said icons are selected from the

stencil and moved to the template.

9. (previously presented) The apparatus of Claim 10 further includes a plurality of icons that are connected to show a supply chain flow.

10. (previously presented) A computer implemented supply chain analysis apparatus comprising:

a template for supplying a workspace to depict a supply chain related to a manufacturing operation;

icons which are predefined to depict factors of an automotive supply chain; and

a stencil for storing icons associated with a vehicle manufacturing area, wherein the template comprises a perspective template having at least one supply chain icon, the perspective template providing a pre-populated framework to evaluate the manufacturing operation.

11. (previously presented) The apparatus of Claim 10 further includes at least one stencil selected from the group consisting of process flow stencil, logistics stencil, and environmental stencil.

12. (original) The apparatus of Claim 10 wherein said perspective template is selected from the group consisting of international template, logistics template, supplier template, and supplier process template.

13. (withdrawn) A method for supply chain mapping and analyzing of vehicle manufacturing related to parts and components comprising the steps of:

(a) identifying a component or system for supply chain mapping;

(b) providing the supply chain map with a part icon representing the part;

(c) identifying the components used to assemble the part;

(d) providing the supply chain map with supplier icons representing the suppliers who supply the components at various tiers; the supplier icons selected from the group consisting of: Tier One Supplier, Tier Two Supplier and Tier Three Supplier; and

(e) using icons to depict risks and opportunities associated with the supply chain of step (d).

14. (withdrawn) The method of Claim 13 further includes identifying via placing icons on the supply chain at least one process related to each item of the components.

15. (withdrawn) The method of Claim 13 further includes identifying via placing icons on the supply chain map at least one mode of transportation related to the components.

16. (withdrawn) The method of Claim 13 further includes identifying via placing icons on the supply chain map border crossings related to the component.

17. (withdrawn) The method of Claim 13 further includes hyperlinking an icon to an information screen.

18. (withdrawn) The method of Claim 13 further includes modifying the supply chain map based on analyzing the supply chain.

19. (withdrawn) The method of Claim 22 further includes hyperlinking an icon to a database.

20. (previously presented) A system for analyzing a supply chain, the supply chain having multiple tiers of suppliers geographically removed from one another or from end users of products provided by the suppliers, and for optimizing a delivery process discovered using the system for analyzing the supply chain, the system adapted for use on a computer or network of computers, the system comprising:

a graphical interface system comprising at least one perspective template having a pre-arranged supply chain representation, the supply chain representation configured to provide information about the supply chain in a format useful to a particular user or participant in the supply chain, and a stencil including a plurality of iconic representations of elements for inclusion in the supply chain representation by the particular user.